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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC 15W #

In application of:

Adam J. Canni et al.

Group Art Unit: 3612

Examiner: Unknown

Serial No.: 10/758,563

Filed: January 15, 2004

For: OVERHEAD CONSOLE FOR A VEHICLE

Attorney Docket No.: LEAR 0660 R

**TRANSMITTAL LETTER**

Mail Stop Missing Parts  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed with reference to the above matter are the following documents:

1. Petition for Filing Patent Application Under 37 C.F.R. § 1.47(a);
2. Reissue Application Declaration and Power of Attorney executed by Scott D. Shields;
3. Affidavit (of Mark E. Stuenkel) with Exhibits A-F;
4. Return Copy of "Notice to File Missing Parts of Reissue Application"; and
5. Check for \$260.00 (Missing Parts (\$130) & Petition (\$130) fees).

The Commissioner is hereby authorized to charge any additional fees to our Deposit Account No. 02-3978. A duplicate of this Transmittal Letter is enclosed for that purpose.

Respectfully submitted,

Adam J. Canni et al.

By: 

Mark E. Stuenkel

Reg. No. 44,364

Attorney/Agent for Applicant

Date: May 25, 2004

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400; Fax: 248-358-3351

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

May 25, 2004  
Date of Deposit

Mark E. Stuenkel  
Name of Person Signing

  
Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue application of: U.S. Patent No. 6,338,517

Issued: January 15, 2002

Inventors: Adam Canni et al.

Original Patent Application Filing Date: January 20, 2000

For: OVERHEAD CONSOLE FOR A VEHICLE

Attorney Docket No.: LEAR 0660 R

**REISSUE APPLICATION DECLARATION AND  
POWER OF ATTORNEY BY NAMED INVENTORS**

As a named inventor of U.S. Patent No. 6,338,517 issued January 15, 2002, whose current residence, post-office address and citizenship are stated below, I hereby declare that:

I believe I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent No. 6,338,517 ("the original patent"), granted January 15, 2002, and for which a reissue patent is sought on the invention entitled "OVERHEAD CONSOLE FOR A VEHICLE," the specification of which is attached hereto.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by a separately enclosed preliminary amendment. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, by reason of our claiming less than we had the right to claim in the patent. For example, claim 38 requires that the accessory module include "a housing having vertically extending side walls that extend between the rails when the module is secured to the rails." This limitation does not appear to be necessary in order to patentably define our invention over the prior art.

Moreover, this insufficiency arose through error, in that we did not fully appreciate the scope of our invention vis-à-vis the prior art.

All errors being corrected in the reissue application up to the time of the filing of this declaration arose without any deceptive intention on the part of the applicant.

I hereby appoint the practitioners associated with Customer Number 34007 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number. Telephone calls should be directed to (248) 358-4400.

CUSTOMER NO.

**34007**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.


Full Name of Sole or First Named Inventor Adam J. Canni

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Post Office Address 2503 Crofthill Drive, Auburn Hills, Michigan 48326

Residence SAME AS ABOVE Citizenship U.S.A.

Full Name of Second Named Inventor Scott D. Shields

Inventor's Signature  Date 4/19/04

Post Office Address 8090 High Point Trail, White Lake, Michigan 48386

Residence SAME AS ABOVE Citizenship U.S.A.

*Full Name of Third Named Inventor* Clifford Krapfl

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Post Office Address 1114 W. Belmont, Apt. 6, Chicago, Illinois 60657

Residence SAME AS ABOVE Citizenship U.S.A.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 3612

Adam J. Canni et al.

Examiner: Unknown

Serial No.: 10/758,563

Filed: January 15, 2004

For: OVERHEAD CONSOLE FOR A VEHICLE

Attorney Docket No.: LEAR 0660 R

**AFFIDAVIT**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**MARK E. STUENKEL**, being duly sworn, and having personal knowledge of the facts set forth herein, hereby deposes and says that:

1. Adam J. Canni, Scott D. Shields and Clifford Krapfl are listed as co-inventors of the invention disclosed in the reissue patent application.
2. The reissue patent application was filed without a Declaration from any of the co-inventors.
3. Mr. Shields has since executed a Declaration.
4. On February 4, 2004, first patent application packages that each included a cover letter, a copy of the patent application, and a copy of a Declaration were mailed to Mr. Canni and Mr. Krapfl via Certified Mail - Return Receipt Requested.
5. The first application packages were sent to the last known mailing addresses for Mr. Canni and Mr. Krapfl, which at that time were 2503 Crofthill Drive, Auburn Hills, Michigan 48326 and 1114 W. Belmont, Apt. 6, Chicago, Illinois 60657, respectively.

6. Copies of the cover letters sent to Mr. Canni and Mr. Krapfl on February 4, 2004 are provided as Exhibit A (the letters were signed on February 3, 2004, but did not get mailed out until February 4, 2004).

7. On February 17, 2004, I received an unopened envelope addressed to Mr. Krapfl, along with a Return Receipt stamped "return to sender" and "attempted not known." A copy of the Return Receipt is enclosed herewith as Exhibit B.

8. On February 19, 2004, I conducted a search of the white pages on the Internet in an attempt to locate a new address for Mr. Krapfl. The results of the search are attached as Exhibit C. No new addresses were located when I searched "Clifford Krapfl" in the United States. Twelve search results were identified when I searched "C. Krapfl," but eleven of the twelve search results indicated a name other than Clifford. The remaining search result indicated "C. Krapfl."

9. On February 23, 2004, I called telephone number 319 366-1008, which is the telephone number associated with the search result identified as "C. Krapfl." A woman answered the telephone and said that no Clifford lived at that address, and that she was not aware of a Clifford Krapfl.

10. On March 21, 2004, I received a Return Receipt acknowledging delivery of the first application package to Mr. Canni. A copy of the Return Receipt indicating a new address for Mr. Canni is enclosed herewith as Exhibit D.

11. On April 29, 2004, a second patent application package including a cover letter, a copy of the patent application, and a copy of the Declaration was mailed to Mr. Canni via Certified Mail - Return Receipt Requested.

12. The second patent application package was sent to 375 Barton Run, Marlton, New Jersey 08053, which is the address indicated on the Return Receipt provided as Exhibit D.

13. A copy of the cover letter sent to Mr. Canni on April 29, 2004 is provided as Exhibit E (the letter was signed on April 28, 2004, but did not get mailed out until April 29, 2004).

14. The cover letter sent to Mr. Canni on April 29, 2004 states that "If you refuse to sign the Declaration, . . . , we will proceed with prosecution of the application before the United States Patent and Trademark Office following the appropriate procedures set forth by the USPTO." That letter further states that "If we do not receive the executed Declaration on or before May 21, 2004, or have not been made aware of your intention to cooperate in the patent prosecution process, we will assume that you refuse to sign the Declaration."

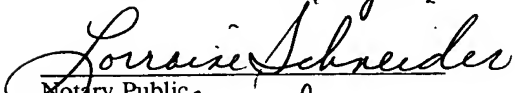
15. On May 5, 2004, I received a Return Receipt acknowledging delivery of the second application package to Mr. Canni. A copy of the Return Receipt is enclosed herewith as Exhibit F.

16. As of May 21, 2004, I have not received the executed Declaration from Mr. Canni, nor have I been made aware of an intention of Mr. Canni to cooperate in the patent prosecution process.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
**MARK E. STUENKEL**  
Registration No. 44,364

Subscribed and sworn to before me  
this 25<sup>th</sup> day of May, 200<sup>4</sup>.

  
\_\_\_\_\_  
Notary Public  
County of Macomb, State of Michigan  
My Commission Expires: 2-19-2008

Attachments

**LORRAINE SCHNEIDER**  
Notary Public, Macomb County, MI  
Acting in Oakland Co., MI  
My Commission Expires 02/19/2008



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www.brookskushman.com



February 3, 2004

**VIA CERTIFIED MAIL**  
**Return Receipt Requested**

Mr. Adam J. Canni  
2503 Crofthill Drive  
Auburn Hills, Michigan 48326

**Re: U.S. Reissue Patent Application**  
**Reissue of Patent No. 6,338,517B1; Granted 01/15/02**  
**Inventor(s): Adam Canni et al.**  
**For: "Overhead Console for a Vehicle"**  
**Our File: LEAR 0660 R**

Dear Adam:

The above identified reissue patent application was filed on January 15, 2004. Enclosed for your review is a copy of the application as filed, including a copy of U.S. Patent No. 6,338,517B1, two formal drawing sheets and a copy of a preliminary amendment.

Also enclosed is a Declaration and Power of Attorney to be used in connection with the application. After reviewing all of the enclosed documents, please sign and date the Declaration and Power of Attorney at the appropriate location, and return it to me for filing with the U.S. Patent and Trademark Office. I have also enclosed a self-addressed, stamped envelope for your convenience.

Should you have any questions, please do not hesitate to call.

Very truly yours,

**BROOKS KUSHMAN P.C.**

Mark E. Stuenkel

MES/ds  
Enclosures

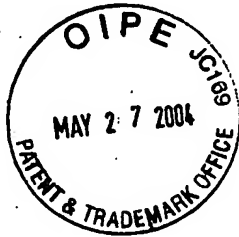
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February 3, 2004

**VIA CERTIFIED MAIL**  
**Return Receipt Requested**

Mr. Clifford Krapfl  
1114 W. Belmont, Apt. 6  
Chicago, Illinois 60657

**Re: U.S. Reissue Patent Application**  
**Reissue of Patent No. 6,338,517B1; Granted 01/15/02**  
**Inventor(s): Adam Canini et al.**  
**For: "Overhead Console for a Vehicle"**  
**Our File: LEAR 0660 R**

Dear Clifford:

The above identified reissue patent application was filed on January 15, 2004. Enclosed for your review is a copy of the application as filed, including a copy of U.S. Patent No. 6,338,517B1, two formal drawing sheets and a copy of a preliminary amendment.

Also enclosed is a Declaration and Power of Attorney to be used in connection with the application. After reviewing all of the enclosed documents, please sign and date the Declaration and Power of Attorney at the appropriate location, and return it to me for filing with the U.S. Patent and Trademark Office. I have also enclosed a self-addressed, stamped envelope for your convenience.

Should you have any questions, please do not hesitate to call.

Very truly yours,

**BROOKS KUSHMAN P.C.**

A handwritten signature in black ink, appearing to read "Mark E. Stuenkel".

Mark E. Stuenkel

MES/ds  
Enclosures





7002 0860 0001 4455 5887

**BROOKS KUSHMAN**  
INTELLECTUAL PROPERTY LAW

Brooks Kushman P.C.  
1000 Town Center, Twenty-Second Floor  
Southfield, Michigan 48075-1238 USA

To: Mr. Clifford Krapf

1114 W. Belmont Ave., Apt. 6

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1. Article Addressed to:

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1114 W. Belmont Ave., Apt. 6  
Chicago, Illinois 60607  
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Cedar Rapids, IA 52402-5141

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~~2503 Croft Hill Drive~~  
~~Auburn Hills, Michigan 48326~~  
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Marlton NJ 08053

**2. Article Number**

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X *[Signature]*

- ☐ Agent  
☐ Addressee

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April 28, 2004

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**Return Receipt Requested**

Mr. Adam J. Canni  
375 Barton Run  
Marlton, New Jersey 08053

**Re: U.S. Reissue Patent Application**  
**Reissue of Patent No. 6,338,517 B1**  
**Granted 01/15/02**  
**Inventor(s): Adam Canni et al.**  
**For: "Overhead Console for a Vehicle"**  
**Our File: LEAR 0660 R**

Dear Adam:

As stated in my prior letter of February 3, 2004, the above-identified re-issue patent application was filed with the United States Patent and Trademark Office (USPTO) on January 15, 2004. Enclosed for your review is an additional copy of the application as filed, including a copy of U.S. Patent No. 6,338,517 B1, two formal drawing sheets and a copy of a Preliminary Amendment.

Also enclosed is a Declaration and Power of Attorney to be used in connection with the application. After reviewing all of the enclosed documents, please sign and date the Declaration at the appropriate location, and return it to me for filing with the USPTO. I have also enclosed a self-addressed, stamped envelope for your convenience.

If you refuse to sign the Declaration, which identifies the inventors associated with the application, we will proceed with prosecution of the application before the United States Patent and Trademark Office following the appropriate procedures set forth by the USPTO. If we do not receive the executed Declaration on or before May 21, 2004, or have not been made aware of your intention to cooperate in the patent prosecution process, we will assume that you refuse to sign the Declaration.

Please do not hesitate to call me if you have any questions.

Very truly yours,

BROOKS KUSHMAN P.C.

Mark E. Stuenkel

MES/ds  
Enclosures

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**1. Article Addressed to:**

Adam J. Canni  
375 Earton Run  
Marlton, New Jersey 08053

**2. Article Number**

(Transfer from service label)

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PS Form 3811, August 2001

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